

ORDINANCE NO. 2003-3395

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII DIVISION 5 THEREOF ENTITLED "CAMPAIGN FINANCE REFORM", VIA THE ADDITION OF CODE SECTION 2-490 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON REAL ESTATE DEVELOPMENT ISSUES", EXEMPTING THEREFROM LOBBYISTS REPRESENTING NON-PROFIT CORPORATIONS OR ENTITIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Miami Beach City Code Chapter 2, Article VII Division 5 thereof entitled "Campaign Finance Reform" is hereby amended by adding City Code Section 2-490 entitled "Prohibited Campaign Contributions by Lobbyists on Real Estate Development Issues", said Section reading as follows:

DIVISION 5. CAMPAIGN FINANCE REFORM

* * *

Sec 2-490. Prohibited Campaign Contributions by Lobbyists on Real Estate Development Issues

- (1) No lobbyist on a ~~present or~~ pending application for a Development Agreement with the City, or application for change of zoning map designation or change to the City's Future Land Use Map shall solicit for or give a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the offices of mayor or commissioner.
 - (a) Commencing on the effective date of this ordinance, all applications for Development Agreements and for changes in zoning map designation or Future Land Use Map changes, shall incorporate this Ordinance so as to notify affected lobbyists of the proscription embodied herein.
 - (b) No candidate, or campaign committee of a candidate for the offices of mayor or commissioner, shall deposit into such candidate's campaign account any campaign contribution directly or indirectly from a lobbyist subject to the provisions of this ordinance. Candidates (or those acting on their behalf) shall ensure compliance with this code section by confirming with the City Clerk's and Planning Department's records to verify the lobbyist status of any potential donor.

Italicized language = As amended on 2nd reading

- (2) A person who directly or indirectly solicits for or makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of twelve months following the swearing in of the subject elected official from lobbying the City Commission in connection with a present Development Agreement, in connection with a Development Agreement that is currently being negotiated, or in connection with a present or pending application with the City for a change of zoning map designation or a change to the City's Future Land Use Map.
- (3) A fine of up to \$500.00 shall be imposed on every person who violates this section. Each act of soliciting, giving or depositing a contribution in violation of this section shall constitute a separate violation. All contributions received by a candidate in violation of this section shall be forfeited to the City's general revenue fund.
- (4) The term "contribution" shall have the meaning ascribed to such term in Chapter 106, Florida Statutes, as amended and supplemented.
- (5) The term "Development Agreement" shall have the meaning ascribed to such term in Chapter 163, Florida Statutes, as amended and supplemented.
- (6) *The term "lobbyist" as used herein shall exclude any person who only appears as a representative of a non-profit corporation or entity, without special compensation or reimbursement for the appearance, whether direct or indirect, to express his/her support of or opposition to the subject item.*

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Italicized language = As amended on 1st reading

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect the 15th day of February, 2003.

PASSED and ADOPTED this 5th day of February, 2003

ATTEST:

Robert Parcher
CITY CLERK

[Signature]
MAYOR

(Requested by Mayor David Dermer and approved by Community Affairs Committee)
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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

[Signature] 1-12-03
City Attorney Date